FY92 Report

US Department
of Transportation
Federal Transit Administration

Memorandum

INFORMATION: Preliminary Guidance Concerning
Subject Changes in the Capital Assistance Programs #1 Date MAY - 5 1992

Robert H. McManus
From Associate Administrator for
Grants Management

Reply to
Attn. of

To Regional Administrators
Area Directors

Thru: Roland Mross
Deputy Administrator

The Federal Transit Act Amendments of 1991 added a general provision to capital assistance programs and several new provisions to the Section 9 program. The attached material is presented as guidance to assist regional staff in handling questions you may be receiving concerning implementation of the changes. This guidance will be incorporated in updated circulars. If you have a question regarding changes, please contact Doug Kerr of my staff, FTS 366-2440.

Attachment

IMPLEMENTATION OF CHANGES IN CAPITAL ASSISTANCE PROGRAMS

GENERAL PROVISION

Federal Share for Equipment Related to ADA and CAA--The Federal Transit Act Amendments of 1991 added a new Section 12(m), which states, "A Federal grant for a project to be assisted under this Act that involves the acquisition of vehicle-related equipment required by the Clean Air Act (CAA) or the Americans with Disabilities Act of 1990 (ADA) shall be 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs attributable to equipment specified in the preceding sentence."

1. Question: To what FTA programs does the new Section apply?

   Answer: Section 12(m) applies to Sections 3, 9 and 18. With regard to the Clean Air Act, it also applies to Section 16, through the States.

2. Question: May applicants choose not to apply for vehicle-related costs at the higher Federal match?

   Answer: Yes. However, if applicants specifically detail vehicle-related equipment in their application as necessary to meet the Clean Air Act or the Americans with Disabilities Act, then such equipment must be funded at the 90% Federal level, unless the applicant offers to overmatch.

3. Question: What are vehicle-related equipment items under the Clean Air Act that could be eligible for the higher Federal share?

   Answer: Only eligible are those extra costs to make emissions by the transit passenger vehicle itself comply with the Clean Air Act.

4. Question: Do the vehicle-related costs to comply with the Americans with Disabilities Act include facilities that enable passengers to get to the vehicles?

   Answer: No; only the incremental costs of features on the vehicle are eligible for the higher Federal share.

5. Question: Is the entire cost eligible at the higher Federal share to purchase a paratransit vehicle whose sole purpose is to provide the supplemental paratransit services required by the ADA?

   Answer: No; only the incremental cost to make a vehicle accessible is eligible.

6. Question: Do vehicle-related costs for compliance with the Clean Air Act include the cost of building or purchasing a fueling facility for alternative fuel?

   Answer: No.

7. Question: What will be considered vehicle-related equipment required by the Clean Air Act or the Americans with Disabilities Act?

   Answer: Vehicle-related equipment should be an add-on to the basic vehicle that will enhance accessibility as required by ADA or allow the vehicle to conform to the CAA. Applicants should identify in their applications the vehicle-related equipment necessary to meet the requirements of the two Acts. The FTA will not provide an explicit list of vehicle-related equipment. However, the FTA retains the right to review any application on a case by case basis.

8. Question: How would an applicant's grant application look?

   Answer: If an applicant wishes to take advantage of the higher Federal match, then the following information should be presented in the application budget.

	Federal Amt.	Total Amt.
BUS - ROLLING STOCK		
Total Estimated Costs for x no.buses		$ X+Y+Z (below)
Basic bus: (Estimated cost of the basic bus multiplied by no. of buses)		$ X
ADA-Related Equipment: (Estimated cost of incremental equipment multiplied by no. of buses)		$ Y
CAA-Related Equipment: (Estimated cost of incremental equipment multiplied by no. of buses)		$ Z

If a grantee does not provide this breakdown--i.e., does not specify that any vehicle-related equipment is necessary solely to meet the requirements of these Acts--then there would be no funding at the 90% level.

9. Question: How would the actual incremental costs be accounted for?

Answer: Grantees must require in their bid solicitations that bidders break out bids and, subsequently, bill according to the price for the basic bus, price for ADA-related incremental equipment, and price for CAA-related incremental equipment.

10. Question: Are vehicles or equipment funded under Section 16 for the provision of transportation services to the disabled eligible to be funded at the higher Federal share?

Answer: The entire Section 16 program was established to serve the needs of elderly persons and persons with disabilities. Therefore, FTA is not applying that provision, as it relates to ADA, to the Section 16 program.

We will look to the State to handle requests for increased match for vehicles complying with the Clean Air Act on a case by case basis.

SECTION 9 PROVISIONS

Transit Security Projects--The Federal Transit Act Amendments of 1991 added a requirement in Section 9(e)(3)(I) that a recipient must certify annually that the recipient "will expend for each fiscal year not less than 1 percent of the funds received by the recipient for each fiscal year under this section for transit security projects; or that such expenditures for such security systems are not necessary."

1. Question: What are to be considered security projects?

   Answer: Transit security projects may include but are not limited to

   (a) increasing lighting within transit systems or adjacent to them at bus stops, subway stations, parking lots, and garages:
   (b) camera surveillance of areas within and adjacent to transit systems;
   (c) providing emergency telephone lines and radio communication links to contact law enforcement or security personnel in areas within or adjacent to such systems;
   (d) any other project intended to increase the security and safety of existing or planned transit systems.

2. Question: How will we ensure compliance with this requirement?

   Answer: Applicants should submit one of the following certifications with their grant applications. Subsequently, during the Triennial Reviews, grantees will be asked to show the basis for their certifications.

   "The___(applicant)__certifies that it will expend for each fiscal year not less than 1 percent of the funds received for each fiscal year under Section 9 of the Federal Transit Act Amendments, for transit security projects.

   "The___(applicant)__certifies that expenditures for transit security projects amounting to 1 percent of the funds received for the current fiscal year under Section 9 of the Federal Transit Act Amendments are not necessary."

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